

REMARKS

Applicant (Sou MIYATA *et al.*) greatly appreciates the acknowledgment of applicant's claim to priority and the acknowledgment of receipt of the priority document in part 12 of the Office Action Summary. Applicant also greatly appreciates the copy of form PTO-1449 initial by Examiner Elizabeth E. Mulvaney, which was received with the Office action.

The foregoing amendments corrected the multiple dependency associated with claim 5. Accordingly, applicant respectfully requests that the examiner reconsider and withdraw the objection to claim 5 as being an improper multiple dependent claim. Applicant also respectfully requests an examination on the merits of claim 5.

The foregoing amendments amended claim 1 to define further that an optical disk produced with the optical disk producing sheet includes the adhesive layer. This structure is shown, for example, in Figs. 2(h) and 3(h), and elsewhere in the present specification disclosure. The foregoing amendments made editorial changes to claims 2-5.

In addition, the foregoing amendments added claims 6-15 to the application. Independent claim 6 defines an optical disk producing sheet comprising, *inter alia*, a top release sheet, a stamper-receiving layer, an adhesive layer laminated to the stamper-receiving layer, and a bottom release sheet, where the stamper-receiving layer and adhesive layer have structures similar to those defined in original claim 1. The top and bottom release sheets in new claim 6 are shown, for example, as items 13, 13' in Fig. 2(a). New independent claim 11 defines an optical disk comprising a laminate obtained from an optical disk producing sheet, the laminate including, *inter alia*, a stamper-receiving layer and an adhesive layer laminated to the stamper-receiving layer, where the stamper-receiving layer and adhesive layer have structures similar to those

defined in original claim 1. This structure in claim 11 is shown, for example, in Figs. 2(h) and 3(h), and elsewhere in the present specification disclosure.

New dependent claims 7-10 and 12-15 respectively depend from new independent claims 6 and 11. The subject matter defined in the new dependent claims corresponds to that in original claims 2-5. After the foregoing amendments, claims 1-15 are present in the application for consideration by the examiner. Applicant respectfully requests early consideration and allowance of these claims.

Claims 1-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,770,162 of Shida *et al.* (Shida) in view of U.S. Patent No. 6,667,952 of Komaki *et al.* (Komaki) and U.S. Patent Publication No. 2002/0037413 A1 of Kishioka *et al.* (Kishioka). This rejection is set forth on page 2 of the Official action. Applicant respectfully submits that the inventions defined in claims 1-15 are patently distinguishable from the teachings of Shida, Komaki, and/or Kishioka within the meaning of 35 U.S.C. §103 for at least the following reasons.

Present claim 1 defines, *inter alia*, that an optical disk produced with the optical disk producing sheet includes the adhesive layer defined therein. New independent claim 11 defines an optical disk comprising a laminate obtained from an optical disk producing sheet; the laminate including, *inter alia*, a stamper-receiving layer and an adhesive layer laminated to the stamper-receiving layer. The teachings of Shida, Komaki, and/or Kishioka do not remotely contemplate or suggest these structures in independent claims 1 and 11.

Consider, for example, the teachings of Shida. These teachings propose an optical disc producing sheet allegedly comprising a cover layer 11 as the stamper-receiving layer and an adhesive layer 12. See, for example, FIGS. 1A-1C of Shida. However, applicant respectfully notes that the adhesive layer 12, as proposed by Shida, is a layer for adhering a glass substrate 13

as a reinforcement substrate to the cover layer 11. Most importantly, the teachings of Shida require separating the adhesive layer 12 from the cover layer 11 together with the glass substrate 13 when making an optical disc in the latter process steps described therein. See, for example, the structure shown in FIG. 2C of Shida where the adhesive layer 12 is not present. In other words, the teachings of Shida do not contemplate or suggest that the adhesive layer 12, as proposed therein, is a layer of an optical disc, as required in present claims 1 and 11. The teachings of Komaki and/or Kishioka do not cure or rectify these deficiencies in the teachings of Shida. Therefore, applicant respectfully submits that the inventions defined in claims 1 and 11, as well as the claims that depend thereon, are patently distinguishable from the teachings of Shida, Komaki, and/or Kishioka within the meaning of 35 U.S.C. §103.

Independent claim 6 defines an optical disk producing sheet comprising, *inter alia*, a top release sheet, a stamper-receiving layer, an adhesive layer laminated to the stamper-receiving layer, and a bottom release sheet. The teachings of Shida do not disclose or suggest these structures of present claim 6. The teachings of Komaki and/or Kishioka do not cure or rectify these deficiencies in the teachings of Shida. Therefore, applicant respectfully submits that the inventions defined in claim 6, as well as the claims that depend thereon, are patently distinguishable from the teachings of Shida, Komaki, and/or Kishioka within the meaning of 35 U.S.C. §103.

The teachings of Komaki allegedly propose a tensile modulus of a light-transmittance layer of an optical information medium. However, the teachings of Komaki do not contemplate or suggest a *storage elastic modulus prior to curing of the stamper-receiving layer* or a *storage elastic modulus during the curing of the adhesive layer*, as required in present independent claims 1, 6, and 11.

While the teachings of Kishioka allegedly propose properties associated with an adhesive, these teachings have nothing to do with an optical disc, as presently claimed. Therefore, applicant respectfully submits that these teachings can provide no reason to one of ordinary skill in the art to substitute the pressure-sensitive adhesive film of Kishioka for an adhesive layer that constitutes a produced optical disc, as required in present claims 1 and 11. Furthermore, Kishioka does not disclose or suggest a stamper-receiving layer or the storage elastic modulus of such a layer, in contrast to the present claims. At least for these reasons, there is no reason for one of ordinary skill in the art to modify the teachings of Shida to include an isolated layer or layers from the teachings of Kishioka, along the lines required in the present claims.

In other words, the teachings of Shida do not disclose or suggest the presently claimed laminate of an adhesive layer and a stamper-receiving layer contained within an optical disc, as required in claims 1 and 11. The teachings of neither Komaki nor Kishioka disclose or suggest this structure (e.g., the existence or arrangement of the adhesive layer) in present claims 1 and 11. Accordingly, there can be no reason for one of ordinary skill in the art to substitute an isolated teaching from Komaki or Kishioka for a nonexistent adhesive layer in the teachings of Shida, and arrive at the inventions defined in the present claims.

As mentioned above, independent claim 6 defines an optical disk producing sheet comprising, *inter alia*, a top release sheet, a stamper-receiving layer, an adhesive layer laminated to the stamper-receiving layer, and a bottom release sheet; which arrangement is not contemplated or suggested by the teachings of Shida. The teachings of neither Komaki nor Kishioka disclose or suggest this structure, namely, a laminate of an adhesive and a stamper-receiving layer sandwiched between two release sheets, as required in present claim 6. Accordingly, there can be no reason for one of ordinary skill in the art to substitute an isolated

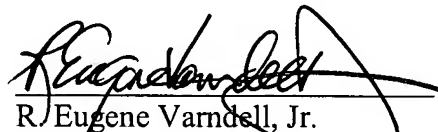
teaching from Komaki or Kishioka into a completely different structure, such as proposed by the teachings of Shida, and thereby arrive at the inventions defined in the present claims.

For at least the foregoing reasons, applicant respectfully submits that the inventions defined in claims 1-15 are patently distinguishable from the teachings of Shida, Komaki, and/or Kishioka within the meaning of 35 U.S.C. §103. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the rejection of these claims over these teachings.

In view of the foregoing amendments and remarks, applicant respectfully requests favorable consideration and allowance of claims 1-15. While it is believed that the present response places the application in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which may become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,

  
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